

## CASE REVIEW SHEET

**CASE:** C15-2019-0002

**BOA DATE:** January 14, 2019

**ADDRESS:** 1119 Mission Ridge

**COUNCIL DISTRICT AREA:** 9

**OWNER:** Frankie and Gary Furman

**AGENT:** David Cancialosi

**ZONING:** SF-3-NP (South River City)

**FLUM:** Residential

**AREA:** Travis Heights Subdivision, 2 blocks west of IH-35

**VARIANCE REQUEST:** Section 25-2-492 (D) to decrease the minimum front yard setback from 25' to 22.7'

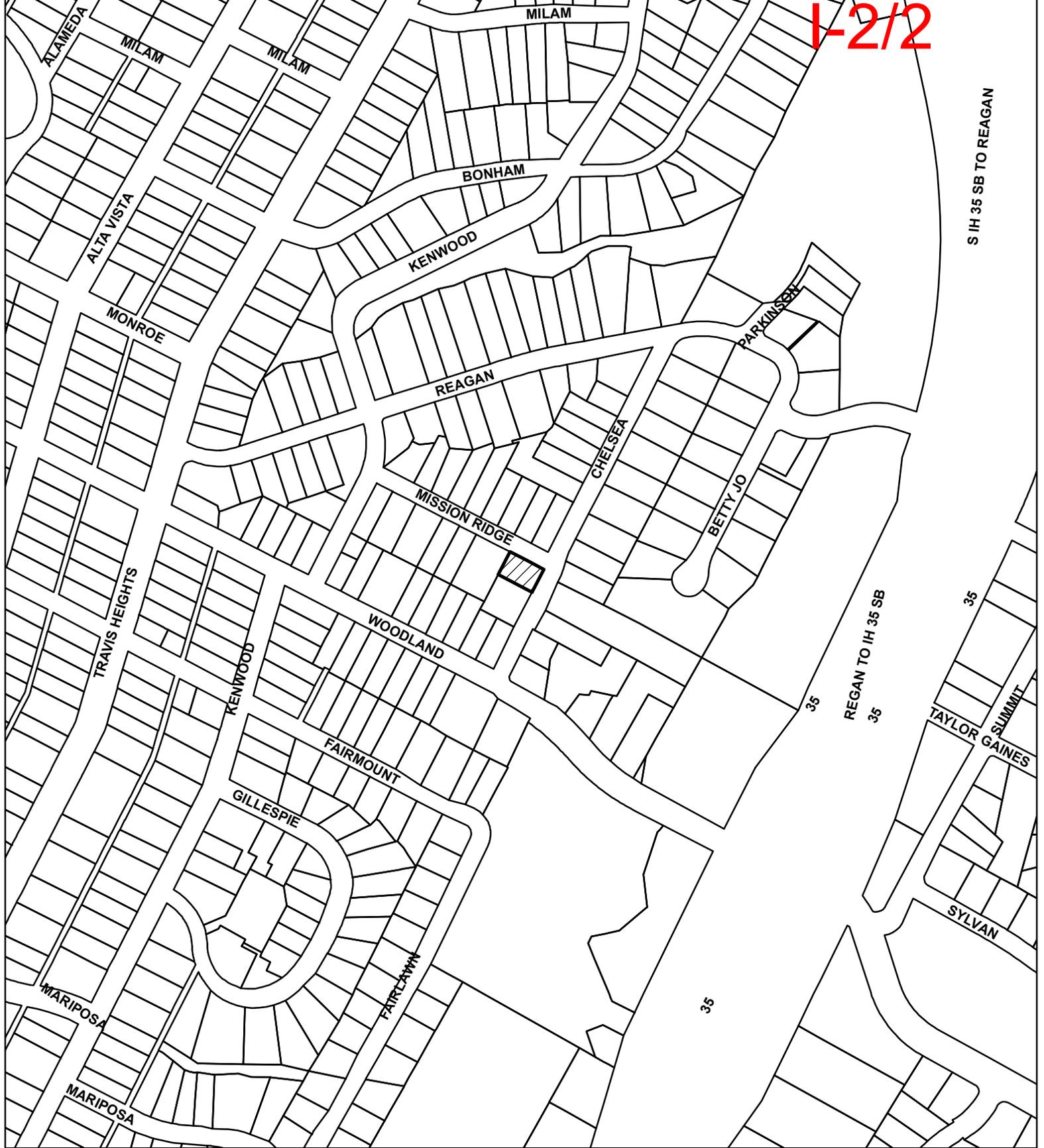
**SUMMARY:** Existing single family house that encroaches into front setback after re-subdivision

**ISSUES:** Re-subdivision added right of way on Chelsea Lane reducing the lot size and causing the home to now encroach into the front setback

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	SF-3-NP (South River City)	Residential
<i>North</i>	SF-3-NP (South River City)	Residential
<i>South</i>	SF-3-NP (South River City)	Residential
<i>East</i>	SF-3-NP (South River City)	Residential
<i>West</i>	SF-3-NP (South River City)	Residential

**NEIGHBORHOOD ORGANIZATIONS:** Austin Neighborhood Council; Bike Austin; Friends of Austin Neighborhoods; Greater South River City Combined Neighborhood Plan Contact Team; Homeless Neighborhood Association; Neighborhood Empowerment Foundation; Preservation Austin; SEL Texas; Sierra Club, Austin Regional Group; South Central Coalition, South River City Citizens Association; Zoning Committee of South River City Citizens

I-212



S IH 35 SB TO REAGAN

35  
REGAN TO IH 35 SB  
35

35  
TAYLOR GAINES  
SUMMIT

SYLVAN

35



-  SUBJECT TRACT
-  PENDING CASE
-  ZONING BOUNDARY

### NOTIFICATIONS

CASE#: C15-2019-0002  
 LOCATION: 1119 MISSION RIDGE



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by CTM for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.

1" = 333'



CITY OF AUSTIN

Development Services Department

One Texas Center | Phone: 512.978.4000
505 Barton Springs Road, Austin, Texas 78704

Board of Adjustment
General/Parking Variance Application

WARNING: Filing of this appeal stops all affected construction activity.

This application is a fillable PDF that can be completed electronically. To ensure your information is saved, click here to Save the form to your computer, then open your copy and continue.

The Tab key may be used to navigate to each field; Shift + Tab moves to the previous field. The Enter key activates links, emails, and buttons. Use the Up & Down Arrow keys to scroll through drop-down lists and check boxes, and hit Enter to make a selection.

The application must be complete and accurate prior to submittal. If more space is required, please complete Section 6 as needed. All information is required (if applicable).

For Office Use Only

Case # \_\_\_\_\_ ROW # \_\_\_\_\_ Tax # \_\_\_\_\_

Section 1: Applicant Statement

Street Address: 1119 Mission Ridge

Subdivision Legal Description:
N 70 FT LOT 9& 10 BLK 43 TRAVIS HEIGHTS

Lot(s): 9 & 10 Block(s): 43

Outlot: \_\_\_\_\_ Division: TRAVIS HEIGHT

Zoning District: SF-3

I/We David Cancialosi on behalf of myself/ourselves as
authorized agent for Frankie C. Furman and Gary Furman affirm that on
Month October, Day 19, Year 2018, hereby apply for a hearing before the
Board of Adjustment for consideration to (select appropriate option below):

Radio button options: Erect, Attach, Complete, Remodel, Maintain, Other:

Type of Structure: Single family residence

Portion of the City of Austin Land Development Code applicant is seeking a variance from:

25-2-492(D) front setback reduction from 25' required to 22.7' proposed setback from Chelsea Lane to allow a 2.3' encroachment into the front yard setback as a result of a recent subdivision whereby right-of-way dedication was required by the city, removing ~2.3' from the subject site at 1119 Mission Ridge

**Section 2: Variance Findings**

The Board must determine the existence of, sufficiency of, and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional supporting documents.

**NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.**

I contend that my entitlement to the requested variance is based on the following findings:

**Reasonable Use**

The zoning regulations applicable to the property do not allow for a reasonable use because:

SEE ATTACHED DOCUMENT

**Hardship**

a) The hardship for which the variance is requested is unique to the property in that:

SEE ATTACHED DOCUMENT

b) The hardship is not general to the area in which the property is located because:

SEE ATTACHED DOCUMENT

**Area Character**

The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

SEE ATTACHED DOCUMENT

**Parking** (additional criteria for parking variances only)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed in the City of Austin Land Development Code Chapter 25-6, Appendix A with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

- 1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specific regulation because:

N/A

- 2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

N/A

- 3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

N/A

- 4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

N/A

**Section 3: Applicant Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

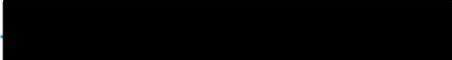
Applicant Signature: \_\_\_\_\_ Date: Oct. 19, 2018

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5368

Email (optional – will be public information): 

**Section 4: Owner Certificate**

I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: \_\_\_\_\_ Date: June 29, 2018

Owner Name (typed or printed): Frankie C. Furman and Gary Furman

Owner Mailing Address: 1113 Mission Ridge

City: Austin State: TX Zip: 78701

Phone (will be public information): 512-479-4100

Email (optional – will be public information): 

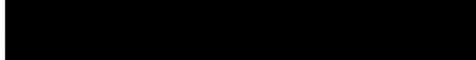
**Section 5: Agent Information**

Agent Name: David Cancialosi

Agent Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5386

Email (optional – will be public information): 

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

SEE ATTACHED DOCUMENT

**Section 3: Applicant Certificate**

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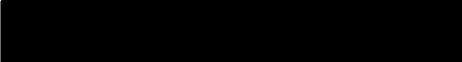
Applicant Signature: \_\_\_\_\_ Date: June 29, 2018

Applicant Name (typed or printed): David Cancialosi

Applicant Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5368

Email (optional – will be public information): 

**Section 4: Owner Certificate**



I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Owner Signature: Frankie C. Furman Gary Furman Date: June 29, 2018

Owner Name (typed or printed): Frankie C. Furman and Gary Furman

Owner Mailing Address: 1113 Mission Ridge

City: Austin State: TX Zip: 78701

Phone (will be public information): 512-479-4100

Email (optional – will be public information): 

**Section 5: Agent Information**

Agent Name: David Cancialosi

Agent Mailing Address: 105 W. Riverside Dr. #225

City: Austin State: TX Zip: 78704

Phone (will be public information): 512-593-5386

Email (optional – will be public information): 

**Section 6: Additional Space (if applicable)**

Please use the space below to provide additional information as needed. To ensure the information is referenced to the proper item, include the Section and Field names as well (continued on next page).

SEE ATTACHED DOCUMENT

*From the office of:*

**PERMIT PARTNERS, LLC**  
105 W. Riverside Dr. Suite 225  
Austin, Texas 78704  
David C. Cancialosi  
512.593.5368 c.  
512.494.4561 f.



December 11, 2018

City of Austin c/o Leanne Heldenfelds  
City of Austin Board of Adjustment  
One Texas Center  
505 Barton Springs  
Austin, Texas 78704

**RE: 1119 Mission Ridge - Variance request to reduce front yard setback from 25' to 22.7'.**

Dear Board of Adjustment Commissioners,

My client is seeking a variance to reduce the front setback at his residential property from 25' to 22.7' as a result of a replat which recently occurred. The replat was required as part of a balance of tract issue created by a former replat which was approved by the city for the adjacent tract several years ago. As a result of this current 2018 replat at 1119 Mission Ridge, staff has determined that the narrow portion (Chelsea Lane) of this corner lot requires a right-of-way dedication in order to accommodate the required road width along the adjacent street (Chelsea Lane). The existing residence faces and is addressed to Mission Ridge, but the front of the lot is technically identified as Chelsea Lane due to that portion of the lot being the more narrow of the two frontages. As a result, the side of the 1940-built house encroaches into the 25' front setback by 2.3', creating a 22.7' setback.

#### **Reasonable Use**

The use is reasonable in that a residential use is allowed in SF-3 zoning. The proposed encroachment does not conflict with the intent of the SF-3 performance standards.

#### **Hardship**

The 1940-built single-family residence's 2.3' encroachment into the front setback, which essentially functions as the side yard given the residence's orientation on the lot, is a byproduct of fixing a balance of tract issue created by a former replat. During the processing of the current plat #C8-2018-0016.0A, the City of Austin required right-of-way dedication to maintain the required road width along Chelsea Lane. This requirement created an encroachment into the front setback along Chelsea Lane. The residence faces and is addressed to Mission Ridge. The side of the house encroaches into the front setback by 2.3' creating a 22.7' front setback measured from Chelsea Lane. There is no known reason for this ROW dedication other than a semantic reading of the applicable code. The ROW dedication was required in order for the 2018 plat to be approved. This variance is required to correct a non-compliant footprint created by the 2018 replat. The 2018 replat was required since the replat of the adjacent lot 9A created a balance of tract in the 2000's. That balance of tract is the current subject site 9B (1119 Mission Ridge).

#### **Not General to the Area**

I am not aware of any corner lots in this area forced to give up right-of-way as part of a replat thereby creating a setback encroachment by an existing structure.

#### **Area of Character**

The roughly 1,100 SF residence has been in place since 1940 per TCAD. A 2.3' encroachment into the front setback does not alter the character of the neighborhood nor impair the intent of the SF-3 performance standards.

Sincerely,



David C. Cancialosi, Agent for Owner

RESUBDIVISION OF A PORTION OF  
 LOTS 9 AND 10 BLOCK 43  
 TRAVIS HEIGHTS

PLAT PREPARATION DATE: August 14, 2017  
 APPLICATION SUBMITTAL DATE: March 7, 2018

ACCEPTED and AUTHORIZED for record by the Planning Commission of the City of Austin, Texas, on this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

James Shueh Chair Patricia Seeger Secretary

THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS

I, Dana DeBeauvoir, Clerk of Travis County, Texas, do hereby certify that the foregoing Instrument of Writing and its Certificate of Authentication was filed for record in my office on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D., at \_\_\_\_ o'clock \_\_\_\_ M and duly recorded on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D., at \_\_\_\_ o'clock \_\_\_\_ M, Plat Records of said County and State in Document No. \_\_\_\_\_ Official Public Records of Travis County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE OF THE COUNTY CLERK OF SAID COUNTY this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, A.D.

DANA DEBEAUVOIR, COUNTY CLERK TRAVIS COUNTY, TEXAS

BY \_\_\_\_\_  
 Deputy

THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS

I, Holt Carson, am authorized under the laws of the State of Texas to practice the profession of surveying and hereby certify that this plat complies with Title 25 of the Austin City Code, and is true and correct and was prepared from an actual survey of the property made by me or under my supervision on the ground.

*Holt Carson*

Holt Carson  
 Registered Professional Land Surveyor No. 5166  
 HOLT CARSON, INC.  
 1904 Fortview Road Austin, Texas 78704  
 (512)-442-0990



8-03-2018  
 Date

THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS

This is to certify that I am authorized to practice the profession of engineering in the State of Texas, that I participated in the preparation of the plan submitted herewith and that all information shown thereon is accurate and correct to the best of my knowledge as related to the engineering portions thereof and that to the best of my knowledge said plat complies with Title 25 of the Austin City Code, as amended, and all other applicable codes and ordinances.

No portion of this subdivision is within the boundaries of the 100-year flood plain according to the Federal Flood Administration FIRM panel 48453C 0605 J, dated January 6, 2016

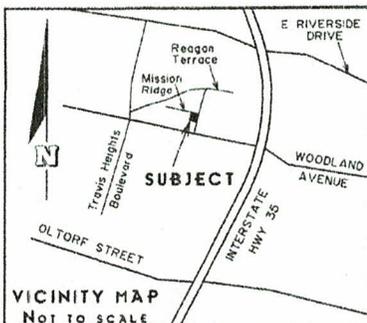
*Robert C. Thompson*

Robert C. Thompson PE 69524  
 THOMPSON LAND ENGINEERING, LLC (F-10220)  
 904 N Guernavaca  
 Austin, Texas 78733

08/06/2018  
 Date



Thompson Land Engineering, LLC  
 (F-10220)



NOTES:

1. No lot shall be occupied until the structure is connected to the City of Austin water and wastewater utility system.
2. All water and wastewater improvements must be in accordance with City of Austin water and wastewater design criteria and specifications. All plans must be presented to the City of Austin Water and Wastewater Utility Department for review and approval. All construction must be inspected by the City of Austin.
3. Building Setback Lines shall be in conformance with the City of Austin Zoning ordinance requirements.
4. The owner of this subdivision, and his or her successors and assigns, assumes responsibility for plans for construction of subdivision improvements which comply with applicable codes and requirements of the City of Austin. The owner understands and acknowledges that plat vacation or re-lotting may be required, at the owner's sole expense, if plans to construct this subdivision do not comply with such codes and requirements.
5. Prior to construction, except detached single family on any lot in this subdivision, a Site Development Permit must be obtained from the City of Austin.
6. All streets, drainage, sidewalks, erosion controls, and water and wastewater lines are required to be constructed and installed to City of Austin Standards.
7. Austin Energy has the right to cut and trim trees and shrubbery and remove obstructions to the extent necessary to keep the easements clear of obstructions. Austin Energy will perform all tree work in compliance with the City of Austin Land Development Code.
8. The owner/developer of this subdivision/lot may provide Austin Energy with any easement and/or access required for the installation and ongoing maintenance of overhead and underground electric facilities within or along the perimeter of this subdivision/lot. These easements/access are required to provide electric service to the buildings and will not be located as to cause the site to be out of compliance with the City of Austin Land Development Code.
9. The owner shall be responsible for installation of temporary erosion control, revegetation and tree protection. In addition, the owner shall be responsible for any initial pruning and tree removal that is within ten feet of the center line of the proposed overhead electrical facilities designed to provide electric service to this project. The owner shall include Austin Energy's work within the limits of construction for this project.
10. By approving this plat, the City of Austin assumes no obligation to construct any infrastructure in connection with this subdivision. Any subdivision infrastructure required for the development of the lots in this subdivision is the responsibility of the developer and/or the owners of the lots. Failure to construct any required infrastructure to City standards may be just cause for the City of Austin to deny applications for certain development permits including building permits, site plan approvals and/or certificates of occupancy.
11. Prior to development of this subdivision, peak runoff shall be held to the amount of existing conditions. Runoff in excess of that amount shall be controlled by the use of ponding or other approved methods.
12. The landowner is responsible for providing the subdivision infrastructure, including the water and wastewater utility improvements.
13. Erosion/Sedimentation controls are required for all construction on each lot, including single family and duplex construction, pursuant to the City of Austin Land Development Code and the Environmental Criteria Manual (ECM).
14. The owner of the property is responsible for maintaining clearances required by the National Electric Safety Code, Occupational Safety and Health Administration (OSHA) regulations, City of Austin rules and Texas state laws pertaining to clearances when working in close proximity to overhead power lines and equipment. Austin Energy will not render electric service unless required clearances are maintained. All costs incurred because of failure to comply with the required clearances will be charged to the owner.
15. All restrictions and notes from the previous subdivision, Travis Heights, according to the map or plat of record in Volume 3 Page 15 of the Travis County Plat Records, shall apply to this resubdivision plat.
16. A fee-in-lieu of parkland dedication and park development has been paid for 1 residence. No fee was charged for the existing residence.
17. Public sidewalks, built to City of Austin standards, are required along the following streets and as shown by a dotted line on the face of the plat: Mission Ridge and Chelsea Lane. These sidewalks shall be in place prior to the lot being occupied. Failure to construct the required sidewalks may result in the withholding of Certificates of Occupancy, building permits, or utility connections by the governing body or utility company.
18. Vehicular access to and from Chelsea Lane from Lot 9B is hereby prohibited.

CB . 2018 - 0016 . OA

2018 REPLAT TO CREATE LOT 9B

RESUBDIVISION OF A PORTION OF LOTS 9 AND 10 BLOCK 43 TRAVIS HEIGHTS

PLAT PREPARATION DATE: August 14, 2017 APPLICATION SUBMITTAL DATE: March 7, 2018

BLOCK 44

LOT 9

LOT 10

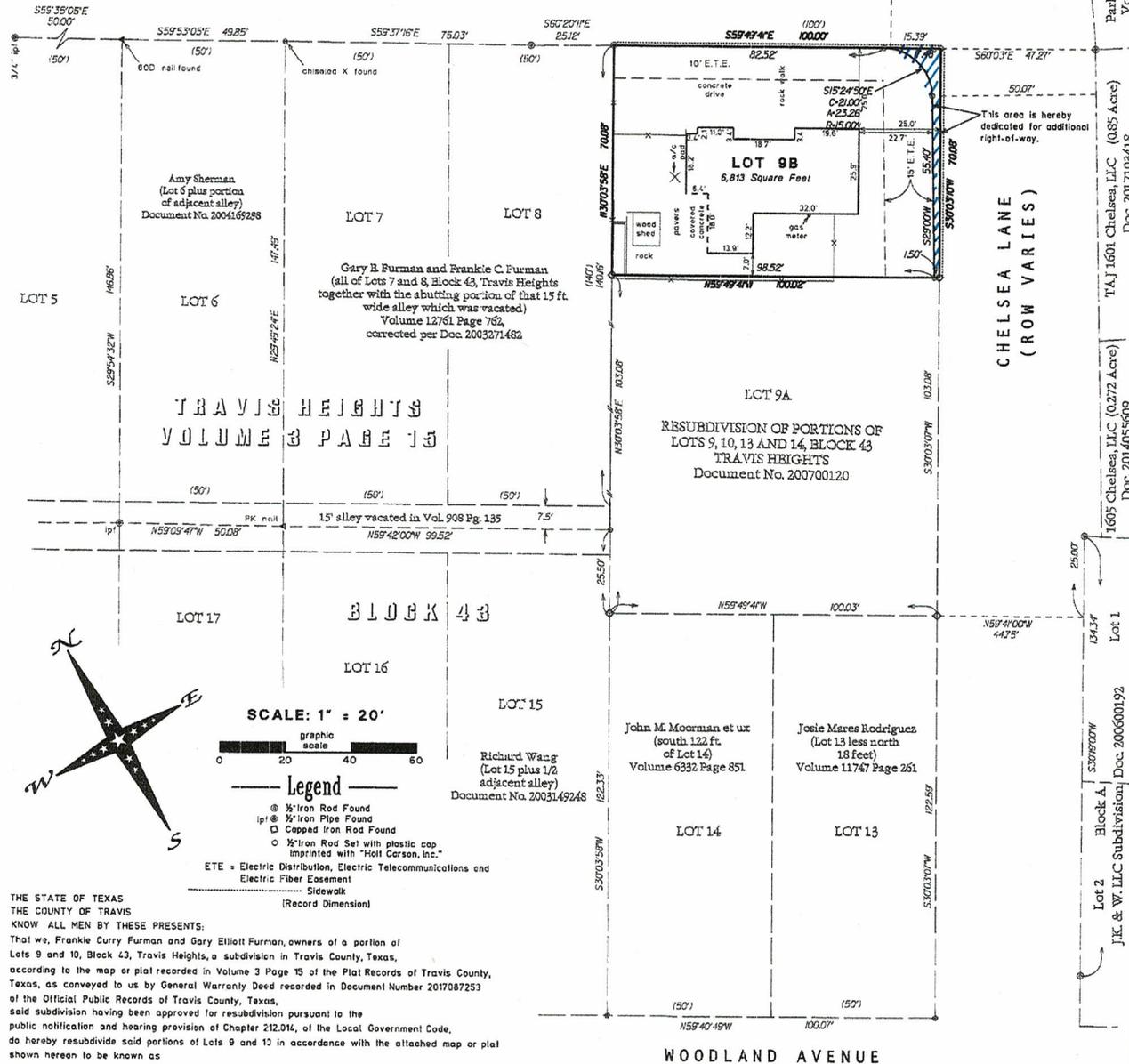
LOT 11

Lot 20

Lot 21

Parkinson Place No. 1 Volume 7 Page 24

MISSION RIDGE (50')



THE STATE OF TEXAS  
 THE COUNTY OF TRAVIS  
 KNOW ALL MEN BY THESE PRESENTS:  
 That we, Frankie Curry Furman and Gary Elliott Furman, owners of a portion of Lots 9 and 10, Block 43, Travis Heights, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 3 Page 15 of the Plat Records of Travis County, Texas, as conveyed to us by General Warranty Deed recorded in Document Number 2017087253 of the Official Public Records of Travis County, Texas, said subdivision having been approved for resubdivision pursuant to the public notification and hearing provision of Chapter 212.014, of the Local Government Code, do hereby resubdivide said portions of Lots 9 and 10 in accordance with the attached map or plat shown hereon to be known as

RESUBDIVISION OF A PORTION OF LOTS 9 AND 10 BLOCK 43 TRAVIS HEIGHTS

WITNESS MY HAND this the \_\_\_ day of \_\_\_\_\_, A.D. 20\_\_

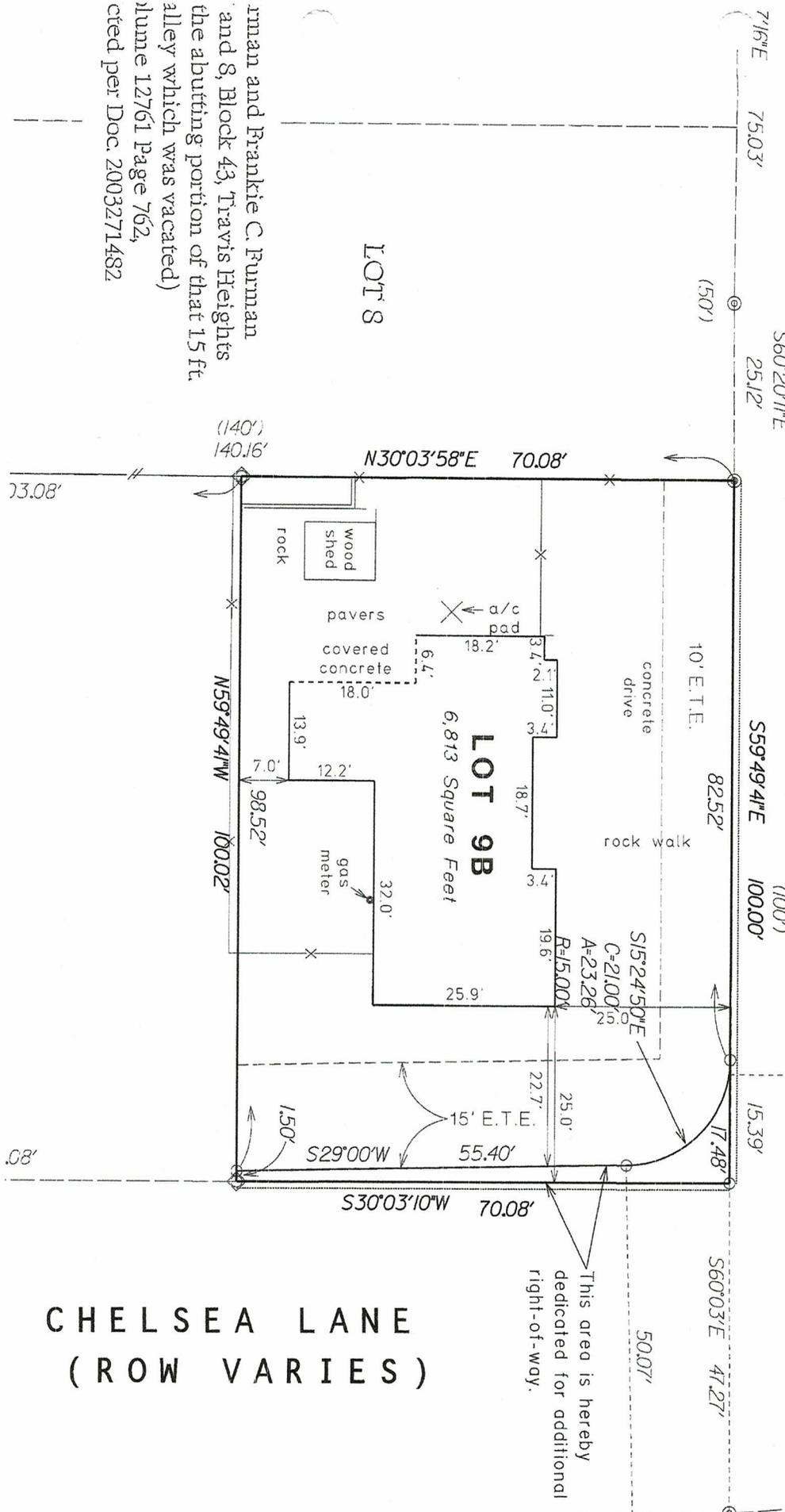
Frankie Curry Furman  
1113 Mission Ridge  
Austin, Texas 78704

Gary Elliott Furman  
1113 Mission Ridge  
Austin, Texas 78704

THE COUNTY OF TRAVIS  
 THE STATE OF TEXAS  
 I, the undersigned authority, on this the \_\_\_ day of \_\_\_\_\_, A.D., 20\_\_\_, did personally appear Frankie Curry Furman and Gary Elliott Furman, known to me to be the persons whose names are subscribed to the foregoing instrument of writing, and they acknowledged before me that they executed the same for the purposes and considerations therein expressed.

NOTARY PUBLIC \_\_\_\_\_  
 Printed Name \_\_\_\_\_  
 Commission Expires \_\_\_\_\_

MISSION RIDGE (50')



CHELSEA LANE (ROW VARIES)

This area is hereby dedicated for additional right-of-way.

$N2^\circ 16' 33'' E$   
 $C=49.69'$

man and Frankie C. Furman  
and 8, Block 43, Travis Heights  
the abutting portion of that 15 ft  
alley which was vacated)  
Volume 12761 Page 762,  
dated per Doc. 2003271482